

October 27, 2016

Via Certified Mail

OFFICE OF ATTORNEY GENERAL
Attn: Tort Claim Investigations
Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204

CITY OF EAST CHICAGO
c/o Mayor Anthony Copeland
4527 Indianapolis Blvd
East Chicago, IN 46312

INDIANA STATE DEPARTMENT OF HEALTH
2 North Meridian Street
Indianapolis, IN 46204

MAYOR ANTHONY COPELAND
4527 Indianapolis Blvd
East Chicago, IN 46312

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

EAST CHICAGO COMMON COUNCIL
c/o Lenny Franciski,
Council President
4525 Indianapolis Blvd.
East Chicago, IN 46312

EAST CHICAGO DEPARTMENT OF
PUBLIC & ENVIRONMENTAL HEALTH
c/o Gerri C. Browning, MD,
Health Commissioner
100 W. Chicago Ave.
East Chicago, IN 46312

EAST CHICAGO HOUSING AUTHORITY
c/o Tia Cauley,
Executive Director
4920 Larkspur Street
East Chicago, IN 46312

CARLA MORGAN,
CORPORATION COUNSEL
CITY OF EAST CHICAGO
4525 Indianapolis Blvd
East Chicago, IN 46312

INDIANA POLITICAL SUBDIVISION
RISK MANAGEMENT COMMISSION
311 W. Washington, Suite 300
Indianapolis, IN 46204

GOVERNOR MICHAEL PENCE AND THE
STATE OF INDIANA
OFFICE OF THE GOVERNOR
Statehouse
Indianapolis, IN 46204-2797

CARRIE GOSCH ELEMENTARY SCHOOL
c/o Erica Glenn, Principal
455 E 148th St.
East Chicago, IN 46312

**Re: *Notice of Tort Claim for Current and Former Residents of the
West Calumet Housing Complex and Surrounding Area***

Dear Sir or Madam:

You are hereby notified pursuant to Indiana Code § 34-13-3-8 that each and every one of the persons identified on Exhibit A hereto (collectively the "Claimants"),¹ by and through their undersigned legal counsel, intend to take legal action to claim compensation from the City of East Chicago, the East Chicago Housing Authority, the East Chicago Department of Public & Environmental Health, Anthony Copeland, the Indiana Department of Environmental Management, the Indiana State Department of Health, the State of Indiana, Governor Michael Pence, and Carrie Gosch Elementary School (collectively the "Governmental Entities and Personnel"), their agents, and all other parties responsible for their injuries and damages, based on the following statement of facts:

1. Each of the Claimants is a current or former resident of the West Calumet Housing Complex located in the City of East Chicago, or is a current or former resident of properties located near that complex.
2. The West Calumet Housing Complex was constructed on land that is, for all intents and purposes, a toxic waste dump. The pollution on this land is so profound that the U.S. Environmental Protection Agency ("EPA") has designated it as a superfund site it calls the U.S. Smelter and Lead Refinery, Inc. Superfund Site (the "Site").
3. The pollution of the Site was caused by the industrial operations of numerous corporate entities, including without limitation U.S. Smelter and Lead Refinery, Inc., Anaconda Lead Products, and E. I. Du Pont de Nemours and Company, by, among other things, smelting lead. The rampant misuse and pollution of the land resulted in saturation of the surrounding soil with hazardous substances including lead and arsenic.
4. Despite the pollution of the soil, numerous homes and residential structures were constructed upon and around the Site.
5. Recently discovered information indicates that numerous governmental agencies were aware as early as the 1960's that East Chicago residents were exposed to contaminated soil from the Site, and have received information about the pollution in this area continuously since that time.
6. In 1972, despite its knowledge of these dangers, the City of East Chicago

¹ In addition to the individual claimants identified on Exhibit A, the undersigned legal counsel also provide notice on behalf of all other current and former similarly situated residents of the West Calumet Housing Complex and surrounding area who were exposed to dangerously high levels of lead and other toxins in and around the Site, as defined herein, who the Governmental Entities and Personnel failed to properly warn of such dangers, and who the Governmental Entities and Personnel otherwise failed to protect their safety and well being.

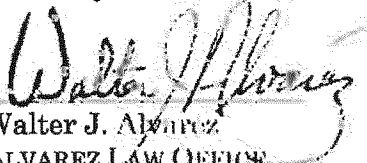
constructed the West Calumet Housing Complex—a series of residential apartment buildings—on or about the Site. The West Calumet Housing Complex is a municipally run facility through the East Chicago Housing Authority designed to provide housing for low-income residents.

7. In 1985, the Indiana Department of Environmental Management (“IDEM”) discovered lead contaminated soil adjacent to the West Calumet Housing Complex.
8. Also in 1985, the Indiana State Department of Health (“ISDH”) discovered that some children who resided at the West Calumet Housing Complex had high levels of lead in their blood.
9. In 1997 further samples and testing by IDEM and ISDH revealed contamination at the Site and elevated levels of lead in children exposed to the Site.
10. Beginning in 1985, the EPA began testing and otherwise addressing the contamination at the Site. In 1993, the EPA entered into an administrative order of consent with one of the corporate entities that operated at the Site: U.S. Smelter and Lead Refinery, Inc. EPA cleanup efforts continued for the next two decades, including emergency soil removal in 2008 and 2011 from select locations at or around the Site. On September 3, 2014, the EPA filed a complaint against two other entities that either operated or were successors in interest to facilities that operated at the Site. The EPA entered into a consent decree with those entities on or about October 28, 2014, providing for a \$26 million settlement to provide cleanup costs.
11. During the entirety of the EPA investigation, the Governmental Entities and Personnel were active participants in the contamination investigation and/or were privy to information not released to the general public.
12. Despite knowing for years that residents in and adjacent to the Site were subject to exposure to hazardous substances, the Governmental Entities and Personnel failed to warn residents of the extreme dangers posed by the contamination. Governmental officials knowingly permitted hundreds of families and children to live and play in this polluted area even though they knew the families were being exposed to toxins.
13. With respect to Carrie Gosch Elementary School in particular, the school knew or should have known from information it received from the other Governmental Entities and Personnel that the Claimants were being exposed to lead and other contaminants. The school knew or should have known of these dangers because, among other things, it was instructed to perform blood tests on students. Despite this knowledge, the school took no steps to notify or warn its students and their parents of the lead and other dangers.

14. It was not until Mayor Copeland sent a letter to residents of the West Calumet Housing Complex on or about July 25, 2016 notifying them of this danger that they were finally put on notice of these dangers.
15. The East Chicago Housing Authority continued to lease or otherwise furnish residential units to persons on or adjacent to the Site, including at the West Calumet Housing Complex, despite knowing that the property was exposed to and contaminated with hazardous substances, which posed serious risks to the health and wellbeing of the tenants.
16. The Claimants each were residents of Lake County, Indiana, at the time of their injury. Each lived on or adjacent to the Site. Each of the Claimants has suffered physical, mental, and emotional injuries as the direct result of exposure to hazardous substances from the Site. Each Claimant's current residence is reflected on Exhibit A.
17. The full extent of the Claimants' exposure to toxic chemicals and the full extent of the impact on their health and wellbeing are unknown at this time. However, for purposes of complying with the Indiana Tort Claims Act's requirement that a notice identify the amount of the damages sought, each Claimant seeks the statutory cap of \$700,000 in damages collectively from all governmental entities and of all public employees, acting within the scope of their employment.
18. The time and place the loss occurred has been over a spread out period of time due to the exposure from the Site as described above.

YOU ARE FURTHER REQUESTED AND DIRECTED to notify the undersigned counsel or claimants at the addresses identified below, in the event that you are not authorized to accept this notice on behalf of the Governmental Entities and Persons as defined herein and/or in the event you claim that this notice is defective or that the claimants have not otherwise complied with the provisions of the Indiana Tort Claims Act. Your failure to so notify the undersigned counsel shall be construed as an admission that service upon the aforesaid Governmental Entities and Persons is proper and that this notice complies in all other respects with the requirements of the applicable provisions of the Indiana Code and common law. In the event that the aforesaid Governmental Entities and Persons was/were a member of the Indiana Political Subdivision Risk Management Fund established by statute at the time of the herein-referenced incident, please inform the undersigned immediately so that notice can be forwarded to said Fund pursuant to law. Your failure to so notify the undersigned counsel shall be construed as an admission that the aforesaid Governmental Entities and Persons was/were not a member of the Indiana Political Subdivision Risk Management Fund at the time of the above-referenced incident.

Sincerely,


Walter J. Alvarez
ALVAREZ LAW OFFICE
1524 W. 96th Avenue
Crown Point, IN 46307
Attorneys for Claimants



Eric S. Pavlack
PAVLACK LAW, LLC
255 N. Alabama St., Ste. 301
Indianapolis, IN 46204
Attorneys for Claimants

EXHIBIT A

Ex. 6 - Personal Privacy (Plaintiff Contact Information)

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